EXHIBIT 9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No.: 13-0503-CON1214)
(MBHB 15-1454-US-CON2)

In re Application of:	)
	) Confirmation No.: 1063
Lambourne	)
	) Art Unit: 2686
Serial No.: 14/563,515	)
	) Examiner: Alizada
Filed: December 8, 2014	)
	)
Title: Zone Configurations Maintained	)
by Playback Device	)

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

**RESPONSE TO THE NON-FINAL OFFICE ACTION
MAILED OCTOBER 20, 2016**

Please consider the following **AMENDMENTS** and **REMARKS** in response to the

Non-Final Office Action mailed on October 20, 2016, in the above-identified application.

A listing of **AMENDMENTS TO THE CLAIMS** begins on page 2.

REMARKS begin on page 7.

The Office is hereby authorized to charge any underpayment of fees or credit any

overpayment of fees in connection with the prosecution of the above-captioned application

to Deposit Account 13-2490.

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AMENDMENTS TO THE CLAIMS

Please amend claims 1, 2, and 6-20.   Following is a completing listing of the claims, as amended.

1.   (Currently Amended)   ~~In a network comprising a plurality of independent playback devices, a~~ A method performed by a first independent playback device, the method comprising:

~~maintaining, by an independent playback device,~~storing a zone configuration in tangible, non-transitory computer-readable memory of the first independent playback device, the zone configuration characterizing one or more zone scenes, each zone scene identifying a group configuration associated with ~~two or more of the plurality of~~ the first independent playback device and at least a second independent playback device[[s]]; and

transmitting the zone configuration to a controller~~, by the independent playback device~~ via a network interface of the first independent playback device.~~, the zone configuration to a controller device.~~

2.   (Currently Amended) The method of claim 1, wherein the one or more zone scenes further identify one or more attributes associated with at least the first and second ~~independent~~ playback devices.

3.   (Original)   The method of claim 2, wherein the one or more attributes comprises one or more of (i) a volume level for audio playback for each independent playback device in the one or more zone scenes, (ii) a mute or unmute setting for audio playback, (iii) a selection and play of specific music, (iv) a play mode setting, (v) an equalization setting for audio playback, and (vi) an audio alarm.

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4.   (Original) The method of claim 3, wherein the audio alarm attribute includes a duration setting.

5.   (Original) The method of claim 3, wherein the attributes further comprise a name associated with each of the one or more zone scenes.

6.   (Currently Amended) The method of claim 1, further comprising:

causing, by the first independent playback device, one or more independent playback devices in a first zone group of a first zone scene to play a first multimedia content from a first multimedia source; and

causing, by the first independent playback device, one or more independent playback devices in a second zone group of the first zone scene to play a second multimedia content from a second multimedia source.

7.   (Currently Amended) The method of claim 1, further comprising:

transmitting, by the first independent playback device, the zone configuration to another independent playback device.

8.   (Currently Amended) [[An]] A first independent playback device including a processor, the first independent playback device configured to:

maintainstore a zone configuration in tangible, non-transitory computer-readable memory of the first independent playback device, the zone configuration characterizing one or more zone scenes, each zone scene identifying a group configuration associated with

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the first independent playback device and at least a second playback device~~two or more of~~

~~a plurality of independent playback devices~~; and

transmit the zone configuration to a controller[[,]] via a network interface of the

first independent playback device~~, the zone configuration to a controller device~~.

9.   (Currently Amended)   The <u>first</u> independent playback device of claim 8,

wherein the one or more zone scenes further identify one or more attributes associated

with <u>at least</u> the <u>first and second</u> independent playback devices.

10.   (Currently Amended)   The <u>first</u> independent playback device of claim 9,

wherein the one or more attributes comprises one or more of (i) a volume level for audio

playback for each independent playback device in the one or more zone scenes, (ii) a mute

or unmute setting for audio playback, (iii) a selection and play of specific music, (iv) a play

mode setting, (v) an equalization setting for audio playback, and (vi) an audio alarm.

11.   (Currently Amended)   The <u>first</u> independent playback device of claim 10,

wherein the audio alarm attribute includes a duration setting.

12.   (Currently Amended)   The <u>first</u> independent playback device of claim 10,

wherein the attributes further comprise a name associated with each of the one or more

zone scenes.

13.   (Currently Amended)   The <u>first</u> independent playback device of claim 8,

further configured to:

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cause one or more independent playback devices in a first zone group of a first zone scene to play a first multimedia content from a first multimedia source; and

cause one or more independent playback devices in a second zone group of the first zone scene to play a second multimedia content from a second multimedia source.

14.   (Currently Amended)   The <u>first </u>independent playback device of claim 8, further configured to:

transmit the zone configuration to another independent playback device.

15.   (Currently Amended) A <u>tangible,</u> non-transitory computer-readable <u>memory</u> <s>storage medium </s>including a set of instructions for execution by [[a]] <u>one or more</u> processor<u>s</u>, the set of instructions, when executed, <s>implement</s> [[an]] <u>cause a first</u> independent playback device <s>configured</s> to <u>perform functions comprising</u>:

<s>maintain</s><u>store in tangible, non-transitory computer-readable memory of the first independent playback device</u> a zone configuration, the zone configuration characterizing one or more zone scenes, each zone scene identifying a group configuration associated with <u>the first independent playback device and at least a second independent playback device</u><s>two or more of a plurality of independent playback devices</s>; and

transmit<u> the zone configuration to a controller</u>[[,]] via a network interface<u> of the first independent playback device</u><s>, the zone configuration to a controller device</s>.

16.   (Currently Amended)   The <u>tangible, non-transitory</u> computer-readable <u>memory</u><s>medium</s> of claim 15, wherein the one or more zone scenes further identify one or more attributes associated with <u>at least </u>the <u>first and second </u>independent playback devices.

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17.   (Currently Amended)   The <u>tangible, non-transitory</u> computer-readable <u>memory</u><s>medium</s> of claim 16, wherein the one or more attributes comprises one or more of (i) a volume level for audio playback for each independent playback device in the one or more zone scenes, (ii) a mute or unmute setting for audio playback, (iii) a selection and play of specific music, (iv) a play mode setting, (v) an equalization setting for audio playback, and (vi) an audio alarm.

18.   (Currently Amended)   The <u>tangible, non-transitory</u> computer-readable <u>memory</u><s>medium</s> of claim 17, wherein the audio alarm attribute includes a duration setting.

19.   (Currently Amended)   The <u>tangible, non-transitory</u> computer-readable <u>memory</u><s>medium</s> of claim 17, wherein the attributes further comprise a name associated with each of the one or more zone scenes.

20.   (Currently Amended)   The <u>tangible, non-transitory</u> computer-readable <u>memory</u><s>medium</s> of claim 15, wherein the set of instructions, when executed, <s>implement an independent playback device further configured to</s> <u>cause the first independent playback device to implement further functions comprising</u>:

cause one or more independent playback devices in a first zone group of a first zone scene to play a first multimedia content from a first multimedia source; and

cause one or more independent playback devices in a second zone group of the first zone scene to play a second multimedia content from a second multimedia source.

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REMARKS

I.   Status of the Claims

Claims 1-20 were pending when the present Office Action was mailed. Claims 1, 2, and 6-20 have been amended to expedite prosecution, and without conceding the merits of the rejections raised in the Office Action. Claims 1-20 are currently pending.

II.   Summary of the Non-Final Office Action mailed October 20, 2016

In the Non-Final Office Action mailed on October 20, 2016, the Examiner (i) rejected claims 1-20 on the ground of non-statutory double patenting as allegedly unpatentable over claims 1-24 of U.S. Pat. 8,934,997; (ii) objected to claims 16-20 for claim language informalities; (iii) rejected claims 1-4, 8-11, and 15-18 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Pub. 2002/0124097 ("Isely"); and (iv) rejected claims 5-7, 12-14, and 19-20 under 35 U.S.C. § 103(a) as allegedly unpatentable over Isely and DME32.

III.   Examiner Interview

The undersigned attorney thanks the Examiner for engaging in a telephone conference with the undersigned and his colleague, John Tolomei, on January 27, 2017, to discuss the present Office Action, the double patenting rejection, the Section 103 rejection, the Isely and DME32 references, and independent claim 1. The following remarks reflect that Applicant understands that the Examiner agreed that the Isely and DME32, either separately or in combination, fails to disclose or suggest all the features of independent claim 1, as amended. Applicant requests that this paper constitute the Applicant's Interview Summary. If the Examiner notices any deficiencies with this paper in this regard, he is encouraged to contact the undersigned attorney to correct such deficiencies.

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IV.   Response to the Double Patenting Rejections

Claims 1-20 stand rejected under the doctrine of obviousness-type double patenting over claims 1-24 of US 8,934,997. Applicant elects not to file a terminal disclaimer at this time, but reserves the right to file such a disclaimer and/or traverse the double patenting rejections when all other substantive rejections have been withdrawn and the claims are in an otherwise allowable state.

V.   Response to the Claim Objections

Claims 16-20 stand objected based on claim language informalities. Without conceding the merits of the objections, Applicant has amended claims 16-20 and requests that the Office withdraw the objections in view of the amendments.

VI.   Response to the § 103 Rejections

Claims 1-4, 8-11, and 15-18 stand rejected under 35 U.S.C. § 103 over Isely. As acknowledged by the Examiner during the January 27 telephone interview, Isely fails to disclose or suggest all the features of amended claim 1. For example, Isely fails to disclose or suggest "storing a zone configuration in tangible, non-transitory computer-readable memory of the first independent playback device, the zone configuration characterizing one or more zone scenes, each zone scene identifying a group configuration associated with the first independent playback device and at least a second independent playback device." Nor does Isely disclose or suggest "transmitting the zone configuration to a controller via a network interface of the first independent playback device."

Isely discloses "systems and methods for dynamic distribution of audio signals at a site based on defined zones within the site" where "[a] zone...is typically a single room, but

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may be more generally defined as a group of speakers that are driven by a single amplifier from a single source." Isely, ¶¶ 4, 11.

Isely explains that "[a] zone manager defines [the] plurality of zones for the site which may include a plurality of the addressable audio devices." Isely, ¶ 11. A first networked audio device of a first zone of Isely's system can be "aggregated" with a second networked audio device of a second zone so that the first and second networked audio devices in the first and second zones can play the same music. In operation, "controller 125, provides a user interface configured to receive a user designation of aggregations of the audio equipment 145, 150 located at the site...to provide dynamic zone aggregation." Isely, ¶ 39. "[T]he controller 125 essentially tells the network audio devices 105 the 'channel' to which they should tune" so that "individual ones of the network attached audio devices may be grouped together and instructed to listen to the same channel to provide common audio signals to multiple rooms in a house while other groupings of the network attached audio devices 105 may be assigned a different channel to provide a different audio signal source in another set of rooms within the residence." Isely, ¶ 39.

In contrast to claim 1, and to the extent that the Office contends that a "networked audio device" in one of Isely's "zones" amounts to the "first independent zone player" in the claim, none of Isely's "networked audio devices" perform the function of "storing a zone configuration in tangible, non-transitory computer-readable memory of the first independent playback device, the zone configuration characterizing one or more zone scenes, each zone scene identifying a group configuration associated with the first independent playback device and at least a second independent playback device." Instead, when aggregating zones, "the controller 125 essentially tells the network audio devices 105

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the 'channel' to which they should tune." Isely, ¶ 39. Thus, rather than storing any information "identifying a group configuration associated with the first independent playback device and at least a second independent playback device," the networked audio devices in Isely merely store "the 'channel' to which they should tune." Isely, ¶ 39. At best, Isely suggests that the "controller 125" might store information about aggregated zones because the "controller 125" instructs each networked audio device which channel it should tune to. But Isely's "controller 125" is wholly separate from the networked audio devices in Isely.

And because Isely does not teach or suggest a networked playback device performing the step of "storing a zone configuration in tangible, non-transitory computer-readable memory of the first independent playback device, the zone configuration characterizing one or more zone scenes, each zone scene identifying a group configuration associated with the first independent playback device and at least a second independent playback device" in the first instance, Isely cannot possibly teach or suggest a networked playback device performing the step of "transmitting the zone configuration to a controller via a network interface of the first independent playback device." Indeed, Isely discloses the exact opposite scenario of a controller transmitting aggregation configuration information to a networked audio device. Isely, ¶ 39. Accordingly, Applicant request that the rejection to claim 1 be withdrawn for at least the foregoing reasons, and for the additional features of claim 1.

Claims 2-4 depend from base claim 1, independent claims 8 and 15 have been amended to include a combination of features generally similar to base claim 1, and claims 9-11 and 16-18 depend from base claims 8 and 15, respectively. Therefore, Applicant

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requests that the rejection of claims 2-4, 8-11, and 15-18 be withdrawn for at least the reasons discussed above with reference to base claim 1, and for the additional features of these claims.

Claims 5-7, 12-14, and 19-20 stand rejected under 35 U.S.C. § 103(a) over Isely in view of DME 32. Claims 5-7 depend from base claim 1, claims 12-14 depend from base claim 8, and claims 19-20 depend from base claim 15. Without conceding that DME32 provides the teaching for which it was cited, DME32 nevertheless fails to cure the above-noted deficiencies of Isely to support a Section 103 rejection of base claims 1, 8, and 15. As a result, claims 5-7, 12-14, and 19-20 are patentable over the combination of Isely and DME 32 for at least the reasons discussed above with reference to base claims 1, 8, and 15 and for the additional features of these dependent claims. Accordingly, Applicant requests that the rejection of claims 5-7, 12-14, and 19-20 be withdrawn.

VI.   Conclusions

Applicant submits that the pending claims are patentable and in condition for allowance, and Applicant requests a Notice of Allowance. If further discussion would advance the application to allowance and issue, the Examiner is invited to telephone the undersigned at 312-913-0001.

Respectfully submitted,
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Date: February 21, 2017   By: /Jeffrey P. Armstrong/
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